

Log of Documents Withheld From Production Based on Attorney-Client and Work Product Privileges

Item No.	BatesBeg	BatesEnd	Doc Date	Author	Recipients	Description	Privilege
1	FL-PRIV 000001	FL-PRIV 000002	_1995-09-05	Andrea S. Rattner, Esq. of Proskauer Rose	Gary M. Bahler, Esq.; cc to James Grefig, Lisa A. Berkowitz, Esq.	Attorney-client correspondence regarding plan design changes to retirement plan	Attorney-Client
2	FL-PRIV 000003	FL-PRIV 000039	_1996-05-20	Gary Bahler, Esq.	Sheilagh Clarke, Esq., Marion Derham, Carol Kanowicz, Tom Kiley, Jeremy Novack, Esq., Patricia Peck	Andrea S. Rattner, Esq. of Proskauer Rose changes made to Plan document attached to Memorandum	Attorney-Client
3	FL-PRIV 000040	FL-PRIV 000156	_1996-05-20	Gary Bahler, Esq.	Sheilagh Clarke, Esq., Marion Derham, Carol Kanowicz, Tom Kiley, Jeremy Novack, Esq., Patricia Peck	Andrea S. Rattner, Esq. of Proskauer Rose changes made to Plan document attached to Memorandum	Attorney-Client
4	FL-PRIV 000161	FL-PRIV 000162	_2006-06-29	Paul Walker, Andrea Rattner, Esq., Russell Hirschhorn, Esq.	Paul Walker, Andrea Rattner, Esq., Russell Hirschhorn, Esq., Howard Shapiro, Esq., Myron Rumeld, Esq., Nicole Eichberger, Esq., Melanie Jones, Esq.	Internal Proskauer correspondence consisting of email chain regarding discovery collection of documents and <i>Patino</i> case-related information	Work Product
5	FL-PRIV 000163	FL-PRIV 000163	_2006-07-06	Nicole Eichberger, Esq.	Karen F. Burke; Donna Hebert; Russell L. Hirschhorn, Esq.; Melanie Jones, Esq.; Robert W. Rachal, Esq.; Andrea Rattner, Esq.; Myron D. Rumeld, Esq.; Howard Shapiro, Esq.	Internal Proskauer correspondence regarding factual investigation and document collection in <i>Patino</i> matter	Work Product
6	FL-PRIV 000164	FL-PRIV 000164	_2006-07-07	Andrea Rattner, Esq.	Karen F. Burke; Nicole Eichberger, Esq.; Donna Hebert; Russell L. Hirschhorn, Esq.; Melanie Jones, Esq.; Robert W. Rachal, Esq.; Myron D. Rumeld, Esq.; Howard Shapiro, Esq.; Nicole A. Eichberger, Esq.	Internal Proskauer correspondence regarding factual investigation and document collection in <i>Patino</i> matter. Relevant, non-privileged email attachments have been produced in this matter.	Work Product
7	FL-PRIV 000337	FL-PRIV 000337	_2007-01-30	Robert Rachal, Esq.	Sheilagh Clarke, Esq.; Nicole Eichberger, Esq.; Howard Shapiro, Esq.	Email regarding <i>Osberg</i> calculation data	Attorney-Client; Work Product
8	FL-PRIV 000333	FL-PRIV 000336	_2007-02-04	Robert Rachal, Esq.	Dennis Sheehan, Esq.; Sheilagh Clarke, Esq.; Nicole Eichberger, Esq.; Howard Shapiro, Esq.; Myron Rumeld, Esq.	Attorney email chain correspondence regarding case strategy	Attorney-Client; Work Product
9	FL-PRIV 000338	FL-PRIV 000338	_2007-02-28	Howard Shapiro, Esq.	Gary Bahler, Esq.; Dennis Sheehan, Esq.; Sheilagh Clarke, Esq.; Robert Rachal, Esq.; Andrea Rattner, Esq.; Myron Rumeld, Esq.	Email regarding client meeting	Attorney-Client; Work Product
10	FL-PRIV 000165	FL-PRIV 000166	_2009-10-02	Nicole A. Eichberger, Esq.	Dennis Sheehan, Esq.; Sheilagh Clarke, Esq.; Myron Rumeld, Esq.	Attorney-client correspondence regarding document collection	Attorney-Client; Work Product
11	FL-PRIV 000167	FL-PRIV 000168	_2009-10-09	Dennis Sheehan, Esq.	Nicole A. Eichberger, Esq.; Sheilagh Clarke, Esq.	Attorney-client correspondence regarding document collection and <i>Osberg</i> litigation hold; <i>Osberg</i> litigation hold document has been produced.	Attorney-Client; Work Product

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12	FL-PRIV 000197	FL-PRIV 000200	_2009-11-13	Kara L. Lincoln, Esq.	File	Attorney notes of witness interviews with Foot Locker IT personnel regarding ESI	Attorney-Client; Work Product
13	FL-PRIV 000201	FL-PRIV 000202	_2009-11-14	Nicole A. Eichberger, Esq.	Dennis Sheehan, Esq. for Foot Locker Information Services	Attorney-client correspondence regarding document collection: Memorandum re Storage and Retention of Electronic Data from 1995-2003, Present Day	Attorney-Client; Work Product
14	FL-PRIV 000203	FL-PRIV 000203	_2009-11-17	Dennis Sheehan, Esq.	Nicole A. Eichberger, Esq.	Attorney-Client email forwarding document; document entitled "Foot Locker Inc. Business Records Guidelines" has been produced.	Attorney-Client; Work Product
15	FL-PRIV 000339	FL-PRIV 000339	_2009-11-17	Nicole Eichberger, Esq.	Nicole Eichberger, Esq.	Calendar entry reflecting a conference call with Mr. Sheehan and Ms. Clarke that occurred on November 17, 2009	Attorney-Client; Work Product
16	FL-PRIV 000204	FL-PRIV 000204	_2009-11-20	Bob Salomone	Nicole A. Eichberger, Esq.	Attorney-Client correspondence regarding document collection, enclosing documents. Relevant, non- privileged enclosed documents have been produced in this matter.	Attorney-Client; Work Product
17	FL-PRIV 000340	FL-PRIV 000340	_2009-12-07	Nicole Eichberger, Esq.	Nicole Eichberger, Esq.	Calendar entry reflecting meetings in New York between Proskauer counsel and Foot Locker principals	Attorney-Client; Work Product
18	FL-PRIV 000157	FL-PRIV 000158	_2009-12-09	Dennis Sheehan, Esq.	Nicole A. Eichberger, Esq.	Attorney-client correspondence consisting of emails regarding document holds from other litigation matters, including attachment	Attorney-Client; Work Product
19	FL-PRIV 000159	FL-PRIV 000160	_2009-12-09	Dennis Sheehan, Esq.	Nicole A. Eichberger, Esq.	Attorney-client correspondence consisting of emails regarding document holds from other litigation matters, including attachment	Attorney-Client; Work Product
20	FL-PRIV 000205	FL-PRIV 000208	_2009-12-10	Dennis Sheehan, Esq.	Nicole A. Eichberger, Esq.	Attorney-Client correspondence consisting of email chain regarding document collection. The relevant, non-privileged documents described in the email chain have been produced.	Attorney-Client; Work Product

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21	FL-PRIV 000209	FL-PRIV 000216	_2009-12-23	Dennis Sheehan, Esq.; David Grenoble; Vikki Heath	Nicole A. Eichberger, Esq.	Attorney-Client correspondence consisting of email chain regarding document collection: Proskauer-created Memorandum with client responses re Storage and Retention of Electronic Data from 1995-2003, Present Day. An attachment, "Application Development" Guideline, has already been produced to Plaintiff.	Attorney-Client; Work Product
22	FL-PRIV 000217	FL-PRIV 000217	_2010-01-07	Nicole A. Eichberger, Esq.	Howard Shapiro, Esq.	Attorney Notes for client meeting regarding strategy for January 8, 2010, status conference with the court, case-related issues, and discovery issues.	Work Product
23	FL-PRIV 000218	FL-PRIV 000218	_2010-01-20	Nicole A. Eichberger, Esq.	Dennis Sheehan, Esq.	Attorney-Client email correspondence regarding document collection	Attorney-Client; Work Product
24	FL-PRIV 000220	FL-PRIV 000222	_2010-01-21	Kara Lincoln, Esq.	File	Attorney notes from internal Proskauer meeting regarding case strategy, discovery, and document collection	Work Product
25	FL-PRIV 000341	FL-PRIV 000341	_2010-01-21	Nicole Eichberger, Esq.	Bridgit DePietto, Esq.; Kara Lincoln, Esq.; Katherine Quayhagen	Calendar entry reflecting internal Proskauer meeting.	Attorney-Client; Work Product
26	FL-PRIV 000219	FL-PRIV 000219	_2010-01-22	Nicole A. Eichberger, Esq.	Dennis Sheehan, Esq.; Sheilagh Clarke, Esq.	Attorney-Client email correspondence regarding document collection	Attorney-Client; Work Product
27	FL-PRIV 000223	FL-PRIV 000233	_2010-01-26	Nicole Eichberger, Esq., Kara Lincoln, Esq., Katherine Quayhagen	File	Attorney notes, memoranda, and Proskauer-created indices regarding document collection	Work Product
28	FL-PRIV 000234	FL-PRIV 000237	_2010-01-27	Nicole A. Eichberger, Esq.; Dennis Sheehan, Esq.	Dennis Sheehan, Esq.; Nicole A. Eichberger, Esq.	Attorney-client correspondence consisting of email chain regarding document collection	Attorney-Client; Work Product

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29	FL-PRIV 000238	FL-PRIV 000238	_2010-01-28	Kara Lincoln, Esq.	File	Attorney notes from Attorney-Client telephone conference between Mr. Sheehan, Ms. Eichberger, Ms. Lincoln, Mr. Salomone, and Ms. Flesses regarding document collection, pension data, and actuarial issues.	Attorney-Client; Work Product
30	FL-PRIV 000239	FL-PRIV 000240	_2010-01-28	Dennis Sheehan, Esq.	Nicole A. Eichberger, Esq.; Kara Lincoln, Esq.	Attorney-Client email correspondence regarding document collection	Attorney-Client; Work Product
31	FL-PRIV 000342	FL-PRIV 000342	_2010-01-28	Nicole Eichberger, Esq.	Nicole Eichberger, Esq.	Calendar entry reflecting Proskauer attorneys' travel to Foot Locker headquarters	Attorney-Client; Work Product
32	FL-PRIV 000241	FL-PRIV 000248	_2010-01-29	Kara Lincoln, Esq.	Dennis Sheehan, Esq.; Nicole A. Eichberger, Esq.; Katherine Quayhagen	Attorney-Client email correspondence regarding document collection and enclosing Proskauer-created index reflecting document review	Attorney-Client; Work Product
33	FL-PRIV 000249	FL-PRIV 000263	_2010-02-01	Dennis Sheehan, Esq.; Nicole Eichberger, Esq.; Kara Lincoln, Esq.	Nicole A. Eichberger, Esq.; Kara Lincoln, Esq.; Katherine Quayhagen; Dennis Sheehan, Esq.	Attorney-Client correspondence consisting of email chains regarding document collection. Relevant, non-privileged documents described in email chains have been produced.	Attorney-Client; Work Product
34	FL-PRIV 000264	FL-PRIV 000298	_2010-02-11	Dennis Sheehan, Esq.	Nicole Eichberger, Esq.; Kara Lincoln, Esq.; Howard Shapiro, Esq.	Attorney-Client email correspondence attaching document from other litigation	Attorney-Client; Work Product
35	FL-PRIV 000299	FL-PRIV 000306	_2010-02-25	Nicole Eichberger, Esq.; Kara Lincoln, Esq.; Katherine Quayhagen	Nicole Eichberger, Esq., Katherine Quayhagen; Bridgit DePietto, Esq.; Kara Lincoln, Esq.; Julie Richie; Chris Browne; Joey Banes; File	Internal Proskauer notes, email chain correspondence, and Proskauer-created indices from Proskauer paralegal regarding document processing tasks sent to Foot Locker's third-party vendor	Work Product
36	FL-PRIV 000307	FL-PRIV 000313	_2010-03-01	Nicole Eichberger, Esq., Katherine Quayhagen; Bridgit DePietto, Esq.; Kara Lincoln, Esq.	Nicole Eichberger, Esq., Katherine Quayhagen; Bridgit DePietto, Esq.; Kara Lincoln, Esq.; File	Internal Proskauer notes and email correspondence regarding document processing tasks sent to Foot Locker's third-party vendor	Work Product
37	FL-PRIV 000314	FL-PRIV 000314	_2010-03-02	Kara Lincoln, Esq.	Nicole Eichberger, Esq.; Katherine Quayhagen; Bridgit DePietto, Esq.; Kara Lincoln, Esq.; Katherine Quayhagen; File	Email correspondence among Proskauer lawyers and personnel regarding conference call with Foot Locker's third-party vendor regarding document processing tasks	Work Product

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38	FL-PRIV 000315	FL-PRIV 000316	_2010-03-11	Katherine Quayhagen	Nicole Eichberger, Esq.; Kara Lincoln, Esq.; File	Email correspondence and attached Proskauer-created index regarding document collection	Work Product
39	FL-PRIV 000317	FL-PRIV 000321	_2010-03-25	Howard Shapiro, Esq.	Nicole Eichberger, Esq.; File	Attorney notes of conference call with Plaintiff's counsel regarding emails, e-documents, computer systems, and discovery	Work Product
40	FL-PRIV 000322	FL-PRIV 000322	_2010-04-20	Nicole Eichberger, Esq.	Nicole Eichberger, Esq.; Howard Shapiro, Esq.; Myron Rumeld, Esq.; Bridgit DePietto, Esq.; Kara Lincoln, Esq.	Proskauer attorney email describing meeting with counsel for Mercer regarding discovery, Mercer documents, and Mercer business model	Work Product
41	FL-PRIV 000343	FL-PRIV 000343	_2010-06-03	Katherine Quayhagen	Merrill personnel; Howard Shapiro, Esq.; Bridgit DePietto, Esq.; Kara Lincoln, Esq.; Nicole Eichberger, Esq.	Email to Merrill regarding document processing tasks; enclosed "Foot Locker Inc. Business Records Guidelines" document has already been produced.	Work Product
42	FL-PRIV 000323	FL-PRIV 000326	_2010-06-14	Nicole Eichberger, Esq.	Sarah Stoeckel, Esq.; Carla Walworth, Esq.	Attorney email chain regarding document collection and potentially privileged documents	Work Product
43	FL-PRIV 000327	FL-PRIV 000328	_2010-07-09	Nicole Eichberger, Esq.; Anthony Cacace, Esq.	Nicole Eichberger, Esq.; Anthony Cacace, Esq.; Paul Walker	Attorney email chain regarding searches of Proskauer files for relevant diskettes	Work Product
44	FL-PRIV 000329	FL-PRIV 000330	_2010-07-23	Katherine Quayhagen	Nicole Eichberger, Esq.; Bridgit DePietto, Esq.; Kara Lincoln, Esq.	Attorney email chain regarding sending diskettes to third-party vendor for processing	Work Product
45	FL-PRIV 000169	FL-PRIV 000176	_2010-08-26	Nicole A. Eichberger, Esq.	Myron Rumeld, Esq., Howard Shapiro, Esq., Bridgit M DePietto, Esq., Kara L. Lincoln, Esq., Katherine Quayhagen; File	Intraoffice memorandum written by Proskauer counsel regarding attorney-client correspondence as to factual investigation and document collection	Attorney-Client; Work Product
46	FL-PRIV 000177	FL-PRIV 000196	_2011-03-21	Nicole A. Eichberger, Esq.	Myron Rumeld, Esq., Howard Shapiro, Esq., Kara L. Lincoln, Esq., Terri Neville; File	Intraoffice memorandum written by Proskauer counsel regarding witness interviews and strategy going forward	Attorney-Client; Work Product
47	FL-PRIV 000331	FL-PRIV 000332	_2012-04-17	Sheilagh Clarke, Esq.	Myron Rumeld, Esq.	Foot Locker in-house counsel email correspondence to Proskauer regarding plan service provider	Attorney-Client; Work Product

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48						All documents created since the beginning of this litigation that relate to the defense of this litigation and that were communicated to or from defendants' external or internal counsel, or at the direction of such counsel, or that were created by or at the direction of such counsel.	Attorney-Client; Work Product